

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

Status of the Claims

Claims 15-17 and 21 are pending. No claims are currently amended. No claims are canceled. No claims are added. No new matter has been added.

Summary of the Office Action

Claims 15-17 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,199,181 to Rechef et al. (hereinafter "Rechef") in view of Fosdick, "VM/CMS Handbook for Programmers, Users and Managers" (hereinafter "Fosdick"), and in view of Official Notice.

Response to Rejections under 35 U.S.C. § 103(a)

Claims 15-17 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rechef in view of Fosdick, and in view of Official Notice. Applicant respectfully submits that claim 15 is patentable over the combination of cited references because the combination does not disclose all of the features of the claim.

The Office Action states that the combination of Rechef and Fosdick fails to disclose shutting down or disabling the emulated operating system. Applicant respectfully submits that it would be improper to take Official Notice of this claim feature because it is not a fact capable of instant and unquestionable demonstration as being well-known in the art. Even U.S. Patent No. 5,564,011 to Yammine et al. (hereinafter "Yammine"), cited in the Advisory Action issued on February 18, 2010, fails to disclose this feature of the claims. Yammine discloses terminating a virtual machine when the application running on the machine is discontinued. Yammine also discloses terminating the virtual machine in response to a user order. The actual feature of the claims includes disabling the secondary operating system in response to a breach of the insulated original

operating system **by an input/output signal being routed to the original operating system**. In the context of Yammine, this would mean terminating the virtual machine, in response to a signal that should be routed to an application running in the **virtual machine**, instead being routed to the **operating system** in which the virtual machine is running. However, Yammine does not disclose terminating the virtual machine in this manner, and therefore, Applicant respectfully submits that the taking of Official Notice of this claim feature would be improper.

In addition, as discussed during a telephone interview between Examiner and Applicant's representative on November 19, 2010, it was agreed that the combination of currently cited references does not teach or suggest all of the features of the claims. Accordingly, Applicant requests that the rejection of claims 15-17 and 21 under 35 U.S.C. § 103(a) be withdrawn. Therefore, claims 15-17 and 21 are asserted to be allowable for the reasons presented above, and Applicant respectfully requests notification of the same.

RESERVATION OF RIGHTS

Applicant believes every assertion by the Office Action has been addressed, however in the interest of clarity and brevity, Applicant may not have asserted every available argument for each assertion made in the Office Action. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP §2144.03. Applicant reserves all rights to pursue any canceled claims in a subsequent

patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP §821.04.

CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. The Examiner is invited to contact Applicant's representative Larry Johnson at (408) 545-7194 if the Examiner believes such action would expedite examination of the present application.

Please charge any additional fees under 37 C.F.R. §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, or apply any credits to PTO deposit account number: 02-2666.

Respectfully submitted,

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Date: November 23, 2010

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